

REMARKS

In accordance with the above amendments, claims 2-12, 14 and 17-19 have been amended. Claims 2-12, 14 and 17-21 remain under consideration in the present application. Presently, no claim has been allowed.

The rejection of claims 2-12, 14 and 17-21 under 35 U.S.C. § 112, first paragraph, is respectfully traversed. It is the Examiner's view that "the specification fails to limit and describe the vessel as a 'marine' vessel". Thus, the term "marine" vessel is not sufficiently described. Applicants believe that clear support exists in the original application materials for this language and that this rejection should be withdrawn. Support is believed found throughout the specification, drawings and original claims. Note the opening paragraph of the specification refers to "delivery of mixed concrete via watercraft or vessel" (emphasis added) and refers to an "integrated barge-mounted mixing and delivery system". A barge is clearly a "marine" vessel and the word "barge" is used throughout to describe a typical vessel for mounting the concrete mixing and delivery system. Note that Figures 2, 3 and 4 clearly show a water line. Many other instances can also be found throughout the materials which clearly indicate that a movable floating or on-water system is contemplated.

The rejections of the claims based on 35 U.S.C. § 103(a) are also respectfully traversed. In regard to the Examiner's comment

on the top of page 3 of the Action, note that the reference to the marine vessel is not limited to the preamble of the claims but is clearly an element of the system as in element (a) of claim 2.

As to the reference, applicants believe that a few additional remarks can be added to previous explanations. A portable system such as that illustrated in the Doherty '234 reference, applicants believe, would be totally unstable on the deck of a barge or other marine vessel. As indicated in the claims, the system of the present invention is permanently mounted on the deck and is not a portable system at all in that respect. In fact, adapting the system of Doherty to the environment of the present invention would clearly destroy its usefulness as a portable concrete plant as it would destroy its capability of being moved away from a given installation site. This, of course, would destroy an important function (portability) of the Doherty cement plant as a permanent, fixed installation location is clearly not intended.

The present inventors further do not claim to have originated, per se the use of two opposed rotary mixing drums, but only as part of an embodiment of a larger integrated system.

As previously indicated, the device of Malan '631 is concerned with a very specific function, that of distributing mixed concrete into a dam being constructed from a platform in the reservoir held behind the dam. The Malan device is clearly tethered and not suitable for operation as a marine vessel nor does it teach or suggest such an arrangement.

It is believed that the basic combination of references fails to render the present invention obvious and the addition of other secondary references such as Farrell '807, Paterson et al. (U.S. 5,971,600) or John (U.S. 5,522,658) do not affect the basic patentable novelty of the broader claims as cited against various ones of the dependent claims of the application.

It is believed that the present claims are clearly patentable over the primary combination and so any of the other combinations applied to certain of the dependent claims.

In view of the above amendments, taken together with the remarks herein, the Examiner is respectfully requested to reconsider the present claims and withdraw the previous rejections and allow the present claims.

Should issues exist which, in the opinion of the Examiner, can be resolved by telephone interview, is requested to contact the undersigned attorney at his convenience to discuss same in an effort to expedite prosecution of this application.

Respectfully submitted,

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